

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

OLDE TYME REMEDIES, LLC,	) CASE NO. 5:12 CV 3044
	)
Plaintiff,	) JUDGE JOHN R. ADAMS
	)
v.	) <u>ORDER</u>
	)
AMISH ORIGINS, LLC et al.,	)
	)
Defendants.	)

This matter came before the Court on Defendants Richard D. Greenwood DBA G&G Enterprises and G&G Sales, LLC DBA Amish Origins Medicated's (hereinafter "Greenwood") Motion to Compel Discovery (Doc. 95), Defendants Amish Origin, LLC, Carol S. Doerr, Gerald J. Doerr, Jr., and Pro 10 Originals, LLC's (hereinafter "Amish Origins") Motion to Compel and for Sanctions (Doc. 96), and Defendant Amish Origins Motion for Leave to Amend Answer and Counterclaims (Doc. 105).

After reviewing the briefs and hearing oral argument from the parties on December 5, 2013, the Court orally ruled on the motions. This Order supplements the Court's oral Order.

1. Greenwood's Motion to Compel is GRANTED. Pursuant to Federal Rule of Civil Procedure 37, the Greenwood Defendants are awarded reasonable costs and attorneys' fees incurred as a result of drafting the October 2nd letter and any additional follow up that was done after that with respect to the discovery requests. The Greenwood Defendants are also awarded costs and attorneys' fees incurred for drafting the motion to compel and preparing for and

attending today's hearing. Defendants shall submit its costs and expenses no later than noon on Monday, December 9th. Plaintiff may oppose by noon on December 16th. Upon approval of the amount sought, Plaintiff will have 7 days to make payment of the sanctions.

Plaintiff is further ORDERED to fully and completely respond to the discovery requests within 7 days – by noon on December 12th. Attorney Pelini shall notify the Court at that time as to the status and adequacy of the discovery responses. If Plaintiff has failed to adequately respond, the Court will revisit the motion for sanctions and the Greenwood Defendant's request for dismissal.

2. Amish Origin's Motion for Leave to Amend is GRANTED. Defendants' Proposed Amended Answer shall be filed by December 12, 2013. As the counterclaim is not being amended, the Plaintiff's motion to dismiss (Doc. 116) shall remain pending.

3. Amish Origin's Motion to Compel is GRANTED IN PART. Plaintiff shall make the unredacted documents available for review by Amish Origin Defendants. Counsel shall confer regarding a time and place to view the documents. If the parties cannot agree on a date and time, the Court will designate a date and time for the documents to be viewed in chambers. The Court has entered a separate Order with respect to the Asset Purchase Agreement (Doc. 119).

Plaintiff is ORDERED to produce no later than December 12, 2013, an updated privilege log which deals only with documents for which it claims attorney/client privilege. Other matters i.e. trade secret shall be omitted. Plaintiff shall supplement the privilege log with a log pertaining to the additional documents contained in the original log and explain why those documents are not being disclosed.

As to the remaining Plaintiff's remaining objections to Defendant Amish Origins discovery requests, the Court will further review each request and objection and supplement this Order.

4. Expert Discovery Deadlines: Plaintiff's expert report deadline is January 31, 2014. Defendants expert report deadline is March 17, 2014. No rebuttal reports are allowed. Reports will require disclosure of data on which expert relies on his opinion.

A party may take a discovery deposition of its opponent's expert witness only after the exchange of reports has occurred. The discovery depositions of an opponent's expert witness shall be completed on or before end of discovery. If a party chooses not to use its own expert witness, it will be permitted to take the discovery deposition of its opponent's expert witness only after submitting a written statement advising the Court and opposing counsel to that effect.

A party may not call an expert witness to testify unless a written report prepared and signed by the witness has been procured and provided to opposing counsel. The report shall contain a complete statement of all opinions of the expert as to each issue on which he/she will testify and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years. An expert will not be permitted to testify or provide opinions on issues not raised in his/her report.

5. Discovery cutoff: 5:00 p.m. on June 2, 2014. The parties are reminded that discovery requests must be made with sufficient time to allow response deadlines to fall within the discovery period.

6. Dispositive motion deadline: June 22, 2014. Non-moving party will have 30 days to respond. Replies shall be filed within 14 days of the response. No surreplies shall be filed absent leave of Court.

Page Limitations: The Court will strictly enforce provisions regarding length of memoranda filed in support of motions. See Local Rule 7.1(f). Motions for relief from the length restrictions must show good cause for such relief and must be made sufficiently in advance to permit the Court to rule and the Clerk's Office to issue the ruling by regular mail. Motions for relief from length restrictions which are filed contemporaneously with the memorandum exceeding the page limits will be denied. In no event shall the request to exceed page limitations extend the time for filing of the underlying memorandum.

Courtesy copies: Chambers will not accept courtesy copies of pleadings or memoranda unless expressly requested by the Court. Exception: Any pleading or memoranda not filed electronically and due within two (2) business days of a conference/hearing/trial shall be faxed to the Court as well as opposing counsel on the same day it is filed. The Court's fax number is 330-252-6077.

7. Plaintiff orally requested leave to amend its Complaint. Plaintiff shall file a motion for leave to amend no later than December 19, 2013.

8. The parties shall refer to the Case Management Plan (Doc. 42) for additional instructions.

9. No continuances regarding these matters will be granted absent a showing of good cause.

IT IS SO ORDERED.

December 11, 2013  
Date

/s/ Judge John R. Adams  
JUDGE JOHN R. ADAMS  
UNITED STATES DISTRICT COURT